IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.1211 of 2006
Date of decision: September 15, 2006.

Harkamal Kumar

...**Petitioner(s)**

v.

Shri M.P. Singh & Anr.

...**Respondent(s)**

Present: Shri R.K. Arora, Advocate for the petitioner.

Surya Kant, J. (Oral)

The petitioner filed CWP No.6980 of 2003 in which a direction was sought against the respondents to permit him to join his duties as a daily wager. The above said writ petition was disposed of on May 8, 2003 with liberty to the petitioner to approach the authorities concered for redressal of his grievance within one month and a direction was issued to the said concerned authority to dispose of the petitioner's claim within two months thereof as per law, rules and instructions.

In compliance to the aforesaid directions, the Commissioner, Municipal Council, Bhatinda passed an order dated August 4, 2003, the operative part of which reads as follows:-

> "1. Sh. Harkamal Kumar is required to give an affidavit within a week that he will not claim any benefit for the service rendered by him from 1.4.1991 to 11.10.1995. His appointment will be treated as fresh appointment as daily wage worker from the date he joins his duties as daily wager. He will not claim

any seniority in this regard and he will be placed below all other daily wage workers in the list of the Corporation.

2. That he will be allowed to join his duties only after the receipt of approval from the Director, Local Government, Punjab and he will not have any objections in this regard."

Alleging that despite the legal notice served upon them by the petitioner and other representations, the Director, Local Government, Punjab is not taking any decision in respect of the recommendations made by the Commissioner, Municipal Council, Bhatinda vide his order, referred to above, this contempt petition has been filed.

After hearing Learned Counsel for the petitioner and having regard to the fact that in terms of the order dated May 8, 2003 passed by this Court, the Director, Local Government, Punjab is not compulsorily required to grant approval, I do not deem it appropriate to initiate the contempt proceedings.

However, in view of the fact that the Commissioner, Municipal Council, Bhatinda has taken a decision, which is acceptable to the petitioner, it appears that the Director, Local Government, Punjab should take a final decision in regard to the aforesaid recommendations, in accordance with law and the government policy.

Consequently, this petition is disposed of with a direction to the Director, Local Government, Punjab to decide the petitioner's claim in accordance with law and as per the rules within a period of two months from the date of receipt of a copy of this order.

September 15, 2006. [**Surya Kant**]
kadyan **Judge**